## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

| CSX TRANSPORTATION, INC.,                     | ) CASE No. 1:05CV00338 (EGS)          |
|---|---------------------------------------|
| Plaintiff,                                    |                                       |
| vs.   | ) ) ) ) MOTION TO INTERVENE OF SIERRA |
| ANTHONY A. WILLIAMS and DISTRICT OF COLUMBIA, | ) CLUB<br>)                           |
| Defendants.                                   | )<br>)<br>)                           |
|   |                                       |
|   | )                                     |

## MOTION TO INTERVENE

Pursuant to Rule 24 of the Federal Rules of Civil Procedure, movant Sierra Club respectfully requests leave of the court to intervene in the above-titled action. This case involves a challenge to the District of Columbia's Terrorism Prevention in Hazardous Materials Transportation Emergency Act of 2005 ("Terrorism Prevention Act"). Movant is a national membership organization whose mission is to protect communities from threats to their environment. It worked closely with the D.C. Council as it worked to pass the Terrorism Prevention Act. Moreover, movant has nearly 3,000 members who live and work in the District, whose interests will be substantially impaired if an adverse decision is rendered. Movant now seeks intervention because it will not be adequately represented by existing parties and because its interests will be prejudiced absent participation as a party. For these reasons, which are more

fully discussed in the attached Memorandum of Law, movant respectfully requests this Court to grant it leave to intervene in this action, either as of right or by its permission.

Respectfully submitted,

Jim Dougherty (D.C. Bar No. 939538) Sierra Club-Washington D.C. 709 3rd St., S.W. Washington, DC 20024 (202) 488-1140 James R. Wrathall (D.C. Bar No. 423631)
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Dated: February 28, 2005

<sup>\*</sup> Admitted to practice only in California. Supervised by members of the firm who are members of the District of Columbia Bar. A motion for admission *pro hac vice* has been submitted to this Court.

## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

| CSX TRANSPORTATION, INC.,                         | ) CASE No. 1:05CV00338 (EGS)                            |
|---|---|
| Plaintiff,  |   |
| VS.   |   |
| ANTHONY A. WILLIAMS and DISTRICT OF COLUMBIA,     |   |
| Defendants.                                       |   |
|   |   |
|   |   |
| ORDER GRANTING SIERRA                             | A CLUB'S MOTION TO INTERVENE                            |
| Upon consideration of the Sierra Clu              | b's Motion to Intervene pursuant to Fed. R. Civ. P.     |
| 24, the memorandum of points and authoritie       | es in support, and any opposition thereto, the Court    |
| finds that the Sierra Club meets the requirem     | nents for intervention pursuant to Fed. R. Civ. P. 24.  |
| Accordingly, it is <b>ORDERED</b> that S          | ierra Club's Motion to Intervene pursuant to Fed. R.    |
| Civ. P. 24 is <b>GRANTED</b> , and Sierra Club is | given leave to participate as a party to this action as |
| an intervenor-defendant.                          |   |
| The Clerk is directed to forward a co             | py of this Order to all counsel of record.              |
|   |   |
|   |   |
| Date:   | United States District Judge                            |
|   | Cinica States District Juage                            |

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 28th day of February, 2005, the foregoing Motion to

Intervene of Sierra Club was served through the electronic case filing system on the following:

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